

## UNITED STATES DISTRICT COURT

for the  
District of South Dakota

IN THE MATTER OF THE SEARCH OF:

A USB thumb drive which contains the content  
of the Mega account associated with email  
address Daxm200017@gmail.com, belonging to  
Jebadiah Swenson.

Case No. 5:20-mj-141

## SEARCH AND SEIZURE WARRANT

To: Any authorized law enforcement officer

An application by a federal law enforcement officer or an attorney for the government requests the search of the following person or property located in the District of South Dakota (identify the person or describe the property to be searched and give its location):

See **ATTACHMENT A**, attached hereto and incorporated by reference

I find that the affidavit, or any recorded testimony, establish probable cause to search and seize the person or property described above, and that such search will reveal (identify the person or describe the property to be seized):

Evidence of a crime in violation of 18 U.S.C. §§ 2252 and 2252A, as described in **ATTACHMENT B**, attached hereto and incorporated by reference.

I find that the affidavit, or any recorded testimony, establishes probable cause to search and seize the person or property.

**YOU ARE COMMANDED** to execute this warrant on or before 8/6/20 (not to exceed 14 days)

☐ in the daytime 6:00 a.m. to 10 p.m. ☒ at any time in the day or night because good cause has been established.

Unless delayed notice is authorized below, you must give a copy of the warrant and a receipt for the property taken to the person from whom, or from whose premises, the property was taken, or leave the copy and receipt at the place where the property was taken.

The officer executing this warrant, or an officer present during the execution of the warrant, must prepare an inventory as required by law and promptly return this warrant and inventory to Daneta Wollmann.  
(United States Magistrate Judge)

☐ Pursuant to 18 U.S.C. § 3103a(b), I find that immediate notification may have an adverse result listed in 18 U.S.C. § 2705 (except for delay of trial), and authorize the officer executing this warrant to delay notice to the person who, or whose property, will be searched or seized (check the appropriate box)

☐ for \_\_\_\_\_ days (not to exceed 30). ☐ until, the facts justifying, the later specific date of \_\_\_\_\_.

☐ I find that good cause has been established to authorize the officer executing this warrant to not provide notice prior to the execution of the search warrant, i.e., "no knock".

Date and time issued: 7/23/2020 at 11:30am
  
Judge's signature
City and state: Rapid City, SD

Daneta Wollmann, U.S. Magistrate  
Printed name and title

cc: AUSA Sazama and Agent

## Case No.:

Copy of warrant and inventory left with:

Inventory of the property taken and name of any person(s) seized:

## Date: \_\_\_\_\_

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*Printed name and title*

## UNITED STATES DISTRICT COURT

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District of South Dakota

IN THE MATTER OF THE SEARCH OF: )

Case No. 5:20-mj-141

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)

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

SEE "ATTACHMENT A", which is attached to and incorporated in this Application and Affidavit

located in the District of South Dakota, there is now concealed *(identify the person or describe the property to be seized)*:

SEE "ATTACHMENT B", which is attached to and incorporated in this Application and Affidavit

The basis for the search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;  
☒ contraband, fruits of crime, or other items illegally possessed;  
☒ property designed for use, intended for use, or used in committing a crime;  
☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

*Code Section*  
 18 U.S.C. §§ 2252 and 2252A

*Offense Description*  
 Receipt and Possession of Child Pornography

The application is based on these facts:

- ☒ Continued on the attached affidavit, which is incorporated by reference.  
☐ Delayed notice of \_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.  
☐ Your applicant requests that no notice be given prior to the execution of the search warrant, i.e., "no knock", the basis of which is set forth in the attached affidavit.  
☐ Your applicant requests authorization to serve the search warrant any time day or night pursuant to Fed. R. Crim. P. 41(e)(2)(A)(ii), the basis of which is set forth in the attached affidavit.

*Applicant's signature*

Special Agent Stephen Berry, FBI

*Printed name and title*Sworn to before me and: ☐ signed in my presence.☒ submitted, attested to, and acknowledged by reliable electronic means.Date: 7/23/2020City and state: Rapid City, SD*Judge's signature*

Daneta Wollmann, U.S. Magistrate

*Printed name and title*

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
WESTERN DISTRICT

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IN THE MATTER OF THE SEARCH OF: CR 5:20-mj-141

A USB thumb drive which contains the  
content of the Mega account associated  
with email address  
Daxm200017@gmail.com, belonging to  
Jebadiah Swenson.

**AFFIDAVIT IN SUPPORT OF  
SEARCH WARRANT  
APPLICATION**

**REDACTED**

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State of South Dakota     )  
  ) ss  
County of Pennington     )

I, Stephen Beery, being duly sworn, states as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI), assigned to the Rapid City, South Dakota office. I have been employed as a Special Agent for the FBI since May 2016. As part of my duties, I investigate violations of federal law, including the online exploitation of children and the illegal possession, receipt, transmission, and production of material depicting the sexual exploitation of minors. I have gained expertise in conducting investigations involving the sexual exploitation of minors and the production and sharing of material depicting their exploitation through training programs, classwork, and investigative work related to conducting these types of investigations, and I have observed and reviewed numerous examples of child pornography in a variety of media. I have furthermore participated in the execution of numerous federal and state search warrants, which involved the

sexual exploitation of children and/or child pornography offenses.

2. This affidavit is submitted in support of an application pursuant to Rule 41 of the Federal Rules of Criminal Procedure for a warrant to search a USB thumb drive (SUBJECT DEVICE), which contains the content of the “Mega” account associated with the email address Daxm200017@gmail.com, belonging to Jebadiah Swenson. The content of the SUBJECT DEVICE was downloaded from Mega, which is a New Zealand based online file sharing company. Mega provides Internet users the ability to store and share electronic media including photos and videos. The SUBJECT DEVICE is more particularly described in Attachment A of this affidavit. The evidence to be searched for and seized is more particularly described in Attachment B of this affidavit.

3. As set forth in greater detail below, there is probable cause to believe that evidence, fruits, and instrumentalities of violations of Title 18, United States Code, Section 2252A, related to the possession, receipt, and distribution of child pornography, are currently present within the SUBJECT DEVICE.

4. The information contained in this affidavit is based on my personal knowledge, my review of documents and records, and on information provided to me by other members of the law enforcement community. Because this affidavit is being submitted for the limited purpose of establishing probable cause to secure a search warrant, I have not included each and every fact known to me concerning the investigation. Instead, I have set forth only the facts necessary to establish probable cause to believe that there is evidence (further described in Attachment B of this affidavit) currently concealed within the SUBEJECT DEVICE.

**PROBABLE CAUSE**

5. On February 20, 2020, I received information from the FBI Violent Crimes Against Children squad in Salt Lake City, Utah, that during an undercover operation, agents observed a LiveMe user posting links to child pornography. LiveMe is a social media application which operates solely on the internet. Preliminary investigation to attempt to identify the LiveMe user revealed the user had an address in Rapid City, South Dakota. The user, later identified as 38-year-old Jebadiah Stephen Swenson, utilized LiveMe user number LM-259612291.

6. Agents served a subpoena on Live.me for account information associated with user number LM-259612291 and email swensonjeb04@gmail.com. Live.me returned information associating that

account with several IP addresses and with the email address swensonjeb04@gmail.com.

7. Agents served a subpoena on Verizon Wireless for information regarding several “natting” IP addresses linked to the images of child pornography observed during the undercover activity referenced in paragraph 10. Unlike IP addresses assigned to a specific location, “natting” IP addresses are for mobile users and allows multiple users to utilize the same IP address at the same time. The subpoena sought information for phone number (605) 389-6667, a phone number that had been using several of the natting IP addresses.

8. Agents issued a subpoena to Google for username swensonjeb04. Google responded that the user was “Jeb Swenson,” with account recovery phone number (605) 389-6667, the same phone number associated with the natting Verizon IP addresses. The return also revealed the user had Google ID 721317720333 and recovery email address swensjeb04@gmail.com.

9. Agents issued two separate search warrants to Google for the contents of and information associated with the accounts swensonjeb04@gmail.com and swensjeb04@gmail.com, respectively.

10. Agents issued a search warrant to LiveMe for the contents of and information associated with LiveMe account LM-259612291, associated with the email address swensonjeb04@gmail.com.

11. Agents issued a subpoena to Clarity Telecom/Vast Broadband for another IP address associated with the images of child pornography observed during the undercover activity referenced in paragraph 10. Vast Broadband identified the user of the IP address as Autumn Swenson, [REDACTED], Rapid City, South Dakota 57701. I identified Autumn Swenson as Jebadiah Swenson's wife.

12. I surveilled the residence at [REDACTED], Rapid City, South Dakota 57701, and determined it appears Jebadiah Swenson resides at that location.

13. On April 13, 2020, I received from Google a collection of four zip files containing user content, pursuant to the search warrant served on Google, Inc. for content associated with user swensonjeb04.

14. One of the zip files I received from Google contained several photo files and folders. In a folder in the photo zip file entitled "2019-06-27," I observed images matching the LiveMe user profile picture observed during the undercover activity referenced in paragraph 10.

15. In a folder entitled "2019-12-18", I observed an image entitled "Screenshot\_20191218-185850\_TamTam.jpg." This image is an image of child pornography. The image depicts a nude adult female on her back with legs open. A nude minor female, approximately 7 years of age, is kneeling in front and inserting her entire hand into the adult female's vagina.



16. In a folder entitled “2020-01-22,” I observed images of the phone owner’s face and body. This person appears to be Jebadiah Swenson.

17. In a folder entitled “2020-01-24,” I observed two images of child pornography. The files appear to be screenshots taken from the UNICO LIVE app, a video streaming application. The images contain a minor female touching and exposing her vagina to the camera in a sexual pose.

18. One of the zip files contained email content. In the “email” file, I observed an email sent on September 25, 2019, from swensonjeb04@gmail.com to the LiveMe application, asking the LiveMe application to reinstate his user account, “lovethemhotones20,” which had been banned.

19. Several usernames for various platforms were identified in the Google “email” file: Facebook username “swensonjeb04@gmail.com”; Snapchat username “jebswenson19”; and eBay username “jeswenso2.”

20. I received and reviewed the search warrant return from LiveMe. The user LM-259612291 engaged in multiple chats using the LiveMe application between the dates October 1, 2019, and March 7, 2020. Several of the messages expressed interest in receiving links from other users and referenced “11-16?” which appears in the context of the messages to be seeking links for images or files of children aged 11 to 16. The messages also contained conversations about trading links or files.

21. On June 2, 2020, agents executed a search warrant on the property located at [REDACTED], Rapid City, South Dakota 57701, and to search any curtilage, storage units, persons and vehicles on the premises and associated with the property, as well as the content of any computer and electronic storage devices located on the property or on the person of Jebadiah Swenson.

22. Seized pursuant to the execution of the aforementioned search warrant on the property located at [REDACTED] was, among other devices, a black Samsung Galaxy S7 Edge cellular phone.

23. During the search of the black Samsung Galaxy S7 Edge cellular phone, your affiant observed several hundred images on the cellular phone depicting child sexual abuse. Your affiant also observed several Google accounts that were then logged into or had previously been logged into on the cellular phone, including Daxm200017@gmail.com; Jsy2013@gmail.com; troynunya@gmail.com; hammers2269@gmail.com; and lettschase@gmail.com. In your affiant's experience, the content on a device may automatically sync with the Google account(s) logged into the device, either with or without the user's knowledge, resulting in storage of data on the Google account(s).

24. During the search of the black Samsung Galaxy S7 Edge cellular phone seized as part of a federal search warrant executed at Jebadiah Swenson's residence, your affiant observed a video with the following file path:

“/MEGA/MEGA Downloads/beauty girl fingering her pussy.flv”. The video depicts a prepubescent female exposing her vagina to the camera while she digitally penetrates herself. In your affiant's experience, this folder structure is created when files are downloaded from the Mega application. Mega is a cloud storage and file hosting service offered by Mega Limited, a New Zealand based company. The service is offered primarily through web-based apps. Your affiant verified that the Mega application is present on the phone. A search of the accounts registered on the device showed the email address Daxm200017@gmail.com was used to register for an account on Mega.

25. Because Mega is a New Zealand Company, it takes the position that it is not subject to U.S. legal process unless such process originates through the Mutual Assistance Process in New Zealand. Accordingly, the processes set forth in Title 18, United States Code, Sections 2703(a), (b), and (c), and Rule 41 of the Federal Rules of Criminal Procedure cannot compel Mega to produce the contents of Jebadiah Swenson's Mega account. Your affiant is aware that when Mega receives any report of child exploitation material, including child pornography, whether verified or not, Mega immediately disables the file and/or folder link, permanently closes the user's account, without notifying the user, and provides account details to DIA New Zealand. Your affiant is aware Mega.nz files are encrypted at the end user's

device and therefore cannot be provided by Mega.nz as they do not have access.

26. During a search of the black Samsung Galaxy S7 Edge cellular phone, your affiant located the password used to login to Jebadiah Swenson's Mega account, using email address Daxm200017@gmail.com. Your affiant accessed and preserved the contents of Swenson's Mega account on the SUBJECT DEVICE without viewing the contents. Your affiant recorded my actions in accessing and preserving the contents of the account. The SUBJECT DEVICE is in the custody of the FBI, in the District of South Dakota and is therefore properly subject to the requested warrant pursuant to Rule 41 of the Federal Rules of Criminal Procedure.

27. Based upon the forgoing, I respectfully submit that there is probable cause to believe that evidence, fruits and instrumentalities of violations of Title 18, United States Code, Section 2252A(a)(2)(A) and Title 18, United States Code, Section 2252A(a)(5)(B), as specifically described in Attachment B to this application, are presently located on the SUBJECT DEVICE. The undersigned therefore respectfully requests that the attached warrant be issued authorizing a search and seizure for the items listed in Attachment B within the SUBJECT DEVICE, more particularly described in Attachment A to this application. Due to the ongoing nature of this investigation, and the possibility of seriously jeopardizing the effectiveness of

the investigation if information were made public, I request that the search and seizure warrant and this application be sealed for a period of 90 days following the execution of the warrant.

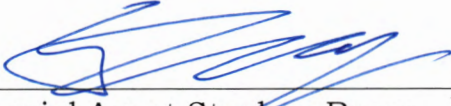
**LIMIT ON SCOPE OF SEARCH**

28. I submit that if during the search, agents find evidence of crimes not set forth in this affidavit, another agent or I will seek a separate warrant.

**REQUEST FOR SEALING OF MATTER**

29. I request that the Court order sealing this case until further order of the Court. The documents filed in the case discuss an ongoing criminal investigation that is neither public nor known to all the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may give targets an opportunity to flee, destroy or tamper with evidence, change patterns of behavior, notify confederates, or otherwise seriously jeopardize the investigation.

Dated: 7-23-20

  
\_\_\_\_\_  
Special Agent Stephen Beery  
Federal Bureau of Investigation

Sworn to before me and:

- ☐ signed in my presence.
- ☒ submitted, attested to, and acknowledged by reliable electronic means.

this 23rd day of July, 2020.

A handwritten signature in black ink, appearing to read "Daneta Wollmann", written over a horizontal line.

Daneta Wollmann  
United States Magistrate Judge

**ATTACHMENT A**

DESCRIPTION OF THE SUBJECT DEVICE TO BE SEARCHED

One 32GB USB 3.0 Micro Center drive, number 511-180604112. The thumb drive is in the possession of the FBI.

**ATTACHMENT B**

**DESCRIPTION OF ITEMS TO BE SEARCHED FOR AND SEIZED:**

- a. Images of child pornography and files containing images of child pornography, as defined in 18 U.S.C. § 2256(8).
- b. Evidence, records, correspondence, and data pertaining to the production of, or possession or distribution of, child pornography in any form, as defined in 18 U.S.C. § 2256(8).
- c. Records and data relating to the operation, ownership and use of computer systems, digital devices and digital media to facilitate the production, receipt, distribution and possession of child pornography, as defined in 18 U.S.C. § 2256(8).
- d. Records and data pertaining to internet usage and Internet Service Provider accounts.